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NATIONAL GUARD OF UKRAINE MILITARY UNITS CRITICAL INFRASTRUCTURE PROTECTION AND DEFENSE ASSIGNED TASKS

Research has been carried out on regulatory legal documents and works of Ukrainian scientists, which determine the provisions of the assigned tasks of the National Guard units for the protection and defense of critical infrastructure objects. Author's definitions of the protection and defense of critical infrastructure objects by military units of the National Guard of Ukraine as a component of the assigned tasks of the National Guard of Ukraine have been formulated.

Keywords: national security, assigned tasks, National Guard of Ukraine, protection, defense, object, critical infrastructure.

Statement of the problem. The Law of Ukraine "On Critical Infrastructure" dated November 16, 2021 No. 1882-IX [1] expanded the normatively defined functions of the National Guard of Ukraine (NGU) and supplemented part one of Article 2 of the Law of Ukraine "On the National Guard of Ukraine" with clause 5-1 of the following content: "protection of critical infrastructure objects, the list of which is determined by the Cabinet of Ministers of Ukraine; participation in the elimination of the consequences of crisis situations at critical infrastructure objects under their protection" [2].

The issue of defending critical infrastructure objects by the NGU units has gained particular relevance with the onset of the full-scale invasion of the Russian Federation's troops into the territory of Ukraine. It is worth noting that by the Decree of the President of Ukraine dated October 17, 2023 No. 695/2023, the Decision of the National Security and Defense Council of Ukraine dated October 17, 2023 "On the organization of protection and provision of security for the functioning of critical infrastructure and energy objects of Ukraine in conditions of ongoing military operations" was put into effect.

It was clearly stipulated to the Cabinet of Ministers of Ukraine: within a ten-day period, to ensure the execution of works and measures for the proper engineering and physical protection (including anti-drone protection, warning systems, personnel shelters, placement of backup/redundant

command posts in protected locations) of critical infrastructure objects, to increase the number and enhance the defense capability of fire teams from the Armed Forces of Ukraine (AFU) and the National Guard of Ukraine, which provide air cover, security, and defense of critical infrastructure objects [3].

As a methodological basis for the article, general scientific and special scientific methods of cognition have been used. In particular, dialectical methods of cognition (abstraction, identification of the correlation between the general, specific, and singular, as well as parts and the whole), the method of system analysis, formal-logical and formal-legal methods were applied. Methods of classification and systematization were used to summarize legislative, regulatory documents and scientific literature on the topic of this article.

Analysis of recent research and publications. Scientific studies of certain aspects of the service-combat activities of security and defense forces in general and of the units of the National Guard of Ukraine in particular have been conducted and elaborated in the works of the following Ukrainian researchers: Yu. Babkov [4], O. Lavnichenko [4], D. Bezzubov [5], S. Kuznichenko [6], V. Matsiuk [7], D. Korniienko [8], M. Yermoshyn [9], T. Sutiushchuk [9], O. Komisarov [10], S. Pavlov [10], A. Petik [11], Ye. Honcharov [11] and others.

It should be noted that there remain a number of unresolved issues in the field of scientific research of certain aspects of the service-combat activities of the National Guard of Ukraine units in the

protection and defense of critical infrastructure objects, which require further scientific study.

The purpose of the article is to study the norms of legal documents and the works of Ukrainian researchers, where the provisions of the service-combat activities of the National Guard of Ukraine units are defined, in order to formulate proposals for current Ukrainian legislation aimed at improving the service-combat activities of National Guard of Ukraine units in the protection and defense of critical infrastructure objects.

Summery of the main material. It seems quite reasonable to agree with the assertion of state security and defense sector scientists that the service-combat activities of law enforcement forces is a type of law enforcement activity inherent in military formations with law enforcement functions and special purpose law enforcement agencies of the state security and defense sector. This is implemented by performing law enforcement tasks mainly through service activities using law enforcement methods, and in case of escalation, also using military or combat methods [8].

According to some scientists, the service-combat activities of the National Guard are the activities of operational-territorial associations, units, and subunits concerning the execution of tasks assigned, such as public order maintenance and public safety, the protection of important state objects and diplomatic missions, guarding and conveying of defendants or convicts, extradition tasks, carried out independently or together with law enforcement agencies and other executive authorities in forms such as patrol and sentry duties, conveying, guard duty, quarantine and commandant service etc. [9].

The activities of the National Guard of Ukraine can be viewed as encompassing the service-combat use of NGU units, the activities of the Main Headquarters of the National Guard of Ukraine, the military management bodies of operational-territorial NGU associations in creating groups, their technical equipment, deployment, comprehensive supply, training of military personnel, operational and combat training, preparation of reserves and mobilization stocks, as well as peacekeeping activities and cooperation with foreign law enforcement structures of a military nature, and information support for activities.

Service-combat activities under normal circumstances (NC) mainly pertain to the activities of units and formations involved in the execution of service tasks in a typical operational

environment (with the fulfillment of assigned tasks). It reflects the nature of implementing planned service-combat tasks.

The main types of service-combat activities (SCA) under normal circumstances are as follows: public order maintenance (POM); protection of important state objects (ISOP); conveying convicts, extradition, protection of defendants during court sessions (CCEP). Forms of service-combat activities during tasks under normal circumstances include: patrol and post service (PPS); guard service (GS); convoy service (CS). The service-combat activities of the NGU under extraordinary circumstances (EC) involve preventive, protective, regulatory, isolation and restrictive measures (actions) and special operations conducted by the NGU units and formations aimed at ensuring the sovereignty and territorial integrity of the state, its constitutional order, public safety, legality and law and order, and the protection of the population during emergencies in peacetime [4].

In the current conditions of active combat operations by the NGU units defending the territorial integrity of Ukraine, it is essential to note the persistent risk factors to the life and health of the personnel. Considering the presence of the "risk" category, it is possible to define the concept of the NGU service-combat activities (SCA) as a system of coordinated service, operational, investigative, counter-terrorism, informational-psychological, preventive, combat, and other special actions by the NGU units aimed at ensuring the internal security of the state and counteracting crime at domestic and international levels, occurring in conditions of danger and uncertainty with the likelihood of negative consequences for specific officials carrying out such activities.

The necessity of carrying out SCA is determined by the peculiarity of the state law enforcement activities, which cannot be conducted exclusively through coercive methods under conditions of direct law violations and the possibility of applying psychological factors affecting potential lawbreakers and societal moral norms. The NGU conducts preventive measures (patrolling streets, squares, yards etc.) precisely to prevent crimes and violations of administrative legislation of Ukraine. In our opinion, such a factor allows categorizing SCA as measures of direct prevention of Ukrainian legislation violations.

The service-combat activities of the National Guard of Ukraine have a certain specificity,

stemming from direct contact with the population and the interaction of the NGU personnel not only with lawbreakers but also with victims, witnesses, that is, individuals who consciously and purposefully can assist in solving crimes and other law violations. Therefore, SCA entails not only the exclusive use of coercive or forceful measures, but also a combination of moral-psychological and verbal communication techniques with all participants in social relations, which not only aids in uncovering offenses but also enhances the image and public trust level in all law enforcement agencies of Ukraine. Thus, the specificity of the NGU's SCA lies in its implementation in close and inseparable connection with other subjects of law and social relations [5].

Regarding the issues of service-combat activities of the military units and subunits of the National Guard of Ukraine in the protection of critical infrastructure (CI) objects, it appears necessary to make amendments to the current regulatory legal acts governing the service-combat activities of the NGU in the field of protection and defense of critical infrastructure objects.

The legal basis for making amendments consists of the following regulatory legal acts: the laws of Ukraine "On the National Guard of Ukraine" [2], "On Physical Protection of Nuclear Facilities, Nuclear Materials, Radioactive Waste, Other Sources of Ionizing Radiation" [12], "On the Use of Nuclear Energy and Radiation Safety" [13], the resolutions of the Cabinet of Ministers of Ukraine "On Approval of the List of Special Cargoes Subject to Protection and Defense by the National Guard of Ukraine" dated August 13, 2014, No. 338 [14], "On Approval of the List of Nuclear Facilities, Nuclear Materials, Radioactive Waste, Other Sources of Ionizing Radiation of State Ownership, Important State Facilities Subject to Protection by the National Guard" dated November 12, 2014, No. 628 [15], the order of the Ministry of Internal Affairs of Ukraine "On Approval of the Regulation on the Organization and Procedure for the Guard Service of Nuclear Facilities, Nuclear Materials, Radioactive Waste, Other Sources of Ionizing Radiation of State Ownership, Important State Facilities, Critical Infrastructure Objects and Special Cargoes by the National Guard of Ukraine" dated June 15, 2023, No. 497 [16].

Having analysed the above-mentioned regulatory legal acts, we consider that it is appropriate to include the following specific features regarding the protection of critical

infrastructure objects by military units and subunits of the National Guard of Ukraine.

1. The protection of the object is carried out along its perimeter, at checkpoints (CP), regimented rooms, buildings, and structures [17].

2. The protection of the object is carried out using the following methods or their combination: by sentries at CP, designated sections of the object's perimeter and/or its regimented rooms, response by the guard to illegal encroachments on the object as well as violations of access or internal object regimes; operational duty of the guard, that is, ensuring that the guard personnel detects people or objects along the perimeter of the object and/or in its regimented rooms using detection and video surveillance means [17].

3. The outer fence, installed along the perimeter of the object, is marked with special signs: "Prohibited Zone", "Passage (Driving, Flights) Prohibited (Closed)", "No Entry for Unauthorized Persons".

4. The entry and exit of vehicles, the entry and exit of employees and other persons, and the bringing onto (or taking off) the territory or removal (or transportation) of property from the object are carried out using passes or other documents provided by the access or internal object regime [17].

5. For the organization and implementation of the protection of the object, posts are designated. The boundaries of posts on the object's territory are marked with demarcation signs, which are numbered and sequentially placed in the prohibited zone in such a way that they are clearly visible to the sentries and not visible from the outside of the prohibited zone [17].

6. The protection of the object by the guard is carried out according to the security plan. The security plan for the object is developed by the staff of the military unit from which the guard is dispatched, signed by the chief of staff, and approved by its commander. In the part concerning the organization of protection for regimented rooms, the security plan of the object is coordinated with the head of the object or their deputy in charge of the regime [17].

7. The duration of the guard duty for object protection is 12 or 24 hours. In a guard that is on duty for 12 hours, one shift of sentries is appointed for each post, along with the necessary number of guards for their temporary substitution. In a 24-hour guard, there are three shifts of sentries. The guard for object protection includes: the guard commander, assistant guard commanders, an assistant guard commander –

cynologist (dog expert), patrol leaders, a sentry – an operator of technical security means (TSM), a vehicle driver, CI sentries and vigilant sentries for the number of posts and shifts, as well as substitute guards for the temporary substitution of sentries. If necessary, the team may also include a mechanic for engineering and technical security means (ETSM), a cook, a observation team, and a heater during the heating season. The patrol and assistant guard commander – cynologist (dog expert), may not be appointed to the guard for nuclear facility protection [17].

8. To address urgent tasks related to the protection of the object, emergency response teams are formed from the military personnel on guard who are not currently on posts: rapid response, reinforcement, and blockade teams. Guard personnel who are not part of any response teams constitute the guard reserve. The rapid response team (RRT) is assigned for immediate response upon the activation of TSM by identifying the causes of their activation and/or stopping illegal encroachments or violations of access or internal object regimes and detaining the perpetrators. RRT can operate within the object and in the adjacent territory up to 3 km away, and in case of visual observation of the violator – at the necessary distance for their detention. The location of RRT is equipped in the guard room next to the armory. The reinforcement team is designated to strengthen the protection of the object's perimeter, checkpoints, regimented rooms in case of illegal intrusion of a person (or persons) into the object, other access or internal object regime violations, or in case of emergencies. The blockade team is assigned to block certain sections of the object's territory in case of an intruder's penetration into the object. Response teams of a 12-hour guard can be formed from the personnel of the response platoons [17].

9. During the service, the guard protecting a critical infrastructure object is subordinate to the commander of the military unit, the chief of staff of the military unit from which it is dispatched, as well as the duty officer of the military unit. If the guard commander holds a higher military rank than the duty officer of the military unit, the guard is not subordinate to the duty officer of the military unit. Regarding access and internal object regime enforcement at a CI object, the guard is subordinate to the commandant of the object's commandant and their duty assistant. The subordination authority of the guard during service to these officials is carried out through the guard commander. The guard for the protection of a CI object is subordinate to the

duty officer of the military unit, the commandant of the object, and their duty assistant from the moment the guard accepts the object under protection. The guard ceases to be subordinate to these individuals from the moment the critical infrastructure object is handed over from being under protection [17].

According to the provisions of the Law of Ukraine "On Defense of Ukraine", the purpose of the defense of an object is to repel the offensive of superior enemy forces and prevent the capture (destruction) of such an object. It is organized and conducted within the territorial defense system. The defense must be resilient, active, and capable of repelling an enemy attack from any direction [18].

It is reasonable to agree with scientists who believe that a military unit (subunit) must defend the guarded object steadfastly and has no right to abandon it, despite the enemy's superiority in forces and means. The preparation for the defense of the object is carried out in advance and includes the following:

- 1) defining the defense structure;
- 2) organizing the defense;
- 3) preparing forces and means;

4) planning engineering work on the guarded object's territory and the area on its approaches [11].

The structure of the defense includes the order of battle, a system of strong points (positions), fire, and engineering obstacles. The organization of defense involves decision-making, planning combat operations, organizing leadership, and comprehensive support. The preparation of forces and means includes training commanders, staffs, and military units (subunits) in performing combat tasks, providing them with ammunition, weapons, combat and other equipment, fuel, and other material resources.

In our opinion, the commander of the NGU military unit makes the decision to defend the critical infrastructure object during its takeover for protection, based on the study of the adjacent area territory, the capabilities of forces and means, and the likely actions of the enemy. To study the terrain in the area of the guarded object and its approaches for determining the defense structure, the commander of the military unit conducts reconnaissance. During reconnaissance, the commander studies possible enemy attack directions, hidden approaches to the guarded object, determines advantageous lines of action for conducting reconnaissance, lines and locations of strong points (positions) on the near approaches,

and along the perimeter of the CI object (on the territory of the CI object), the fire system, and outlines the scope and sequence of engineering works and places for setting up barriers.

Thus, in the decision to defend a critical infrastructure object, the commander of the NGU military unit defines the following: the concept of actions; sectors of defense of the CI object; the structure of the defense of the CI object and the procedure for its engineering organization; main issues of interaction and comprehensive support during the battle; tasks for subunits, elements of the battle order; the direction of concentration of main efforts and points (lines), the holding of which depends on the stability of the defense; the foundations of the organization of command; the procedure for preparing forces and means; the procedure for employing fire groups that provide air defense, protection, and defense of the CI object.

Conclusions

Having analyzed the regulations mentioned above, we can make a generalized conclusion that the following should be included in the National Guard of Ukraine service-combat activities for the protection and defense of critical infrastructure objects:

1. Protection of a critical infrastructure object – this is a set of measures carried out by the National Guard of Ukraine to ensure the access control regime at the critical infrastructure object, prevent and stop illegal encroachments on the critical infrastructure object, take urgent measures to eliminate threats to public safety that arise from such encroachments or emergencies, and also to assist the administration of the critical infrastructure object in maintaining the internal object regime.

2. Defense of a critical infrastructure object – this is a set of measures carried out by the National Guard of Ukraine to repel the offensive of superior enemy forces and prevent the capture (destruction) of the critical infrastructure object. The direction of further research is to define general proposals for amending the current regulatory legal acts governing the service-combat activities of the military units and subunits of the National Guard of Ukraine for the protection and defense of Ukrainian critical infrastructure objects.

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**СЛУЖБОВО-БОЙОВА ДІЯЛЬНІСТЬ ВІЙСЬКОВИХ ЧАСТИН І ПІДРОЗДІЛІВ
НАЦІОНАЛЬНОЇ ГВАРДІЇ УКРАЇНИ З ОХОРОНИ Й ОБОРОНИ
ОБ'ЄКТІВ КРИТИЧНОЇ ІНФРАСТРУКТУРИ**

Проаналізовано наукові погляди щодо розуміння службово-бойової діяльності підрозділів Національної гвардії України з організації захисту (оборони) та забезпечення безпеки (охорони) функціонування об'єктів критичної інфраструктури у мирний час і в особливий період.

Визначено доцільність розмежування основних видів службово-бойової діяльності Національної гвардії України за звичайних обставин (мирний час) і в особливий період (воєнний стан).

До основних видів службово-бойової діяльності Національної гвардії України за звичайних обставин (мирний час) варто віднести такі: охорона громадської безпеки й порядку; забезпечення охорони органів державної влади; охорона об'єктів критичної інфраструктури, спеціальних вантажів, дипломатичних представництв, консульських установ іноземних держав, представництв міжнародних організацій в Україні; конвоювання засуджених, екстрадиція, охорона підсудних під час судових засідань; участь у підтриманні або відновленні правопорядку в районах виникнення особливо тяжких надзвичайних ситуацій техногенного чи природного характеру (стихійного лиха, катастроф, особливо великих пожеж, застосування засобів ураження, пандемій, панзоотій тощо); участь у відновленні правопорядку в разі виникнення міжнаціональних і міжконфесійних конфліктів, розблокуванні або припиненні протиправних дій у разі захоплення важливих державних об'єктів або місцевостей.

До основних видів службово-бойової діяльності Національної гвардії України в особливий період (воєнний стан) доцільно віднести: участь у взаємодії зі Збройними Силами України у відсічі збройній агресії проти України та ліквідації збройного конфлікту шляхом ведення воєнних (бойових) дій; участь у виконанні завдань територіальної оборони; участь у спеціальних операціях зі знешкодження озброєних злочинців, у боротьбі з диверсійно-розвідувальними силами агресора (противника), припиненні діяльності не передбачених законом воєнізованих або збройних формувань (груп), організованих груп і злочинних організацій на території України; участь у заходах, пов'язаних із припиненням терористичної діяльності; участь у ліквідації наслідків надзвичайних або кризових ситуацій на об'єктах, що нею охороняються; участь у здійсненні заходів правового режиму воєнного стану; оборона важливих державних об'єктів, спеціальних вантажів.

Ключові слова: державна безпека, службово-бойова діяльність, Національна гвардія України, охорона, оборона, об'єкт, критична інфраструктура.

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